

DOI-FWS-2022-001070 request Details

Due Date: 03/31/2022 Clock Days: -1

Requester Information

| | | | |
|-----------------------|---|--------------------|---|
| Requester | Anna Whistler | Tracking Number | DOI-FWS-2022-001070 |
| Organization | People for the Ethical Treatment of Animals | Submitted Date | 12/09/2021 |
| | | Received Date | 12/09/2021 |
| | | Perfected Date | 12/31/2021 |
| Requester Has Account | No | Last Assigned Date | 12/09/2021 |
| Email Address | annaw@petaf.org | Assigned To | United States Fish and Wildlife Service |
| Phone Number | 716-510-8411 | Last Assigned By | |
| Fax Number | | Request Track | Complex |
| Address | 2154 W. Sunset Boulevard | Fee Limit | \$50.00 |
| City | Los Angeles | | |
| State/Province | CA | | |
| Zip Code/Postal Code | 90026 | | |

Request Handling

| | | | |
|--|---------|---------------------------|------------|
| Requester Info Available to the Public | Yes | Request Type | FOIA |
| Request Track | Complex | Request Perfected | Yes |
| Fee Category | N/A | Perfected Date | 12/31/2021 |
| Fee Waiver Requested | Yes | Acknowledgement Sent Date | 12/31/2021 |
| Fee Waiver Status | Pending | Unusual Circumstances | Yes |
| Expedited Processing Requested | No | Litigation | No |
| Expedited Processing Status | | Court Docket Number | |
| | | 5 Day Notifications? | No |

Description

Long Description

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the accompanying Department of the Interior (Department) Regulations, 43 C.F.R. §§ 2.1-2.41, and on behalf of PETA, I am requesting any and all records relating to the illness or death of any manatee at Miami Seaquarium from November 1, 2021, through the date on which this request is processed. If records which are responsive to this request are located in other FWS offices, please forward this request to all appropriate offices. The term “records” includes, but is not limited to, responses to USFWS requests, internal agency discussions, reports, studies, correspondence, memoranda, permit application materials, meeting notes and minutes, drafts and working papers, notes and summaries of conversations and interviews, e-mails, photographs, videotapes, and any other forms of written or recorded communication. Please note that e-mails are specifically requested, as often these agency records are excluded from the agency’s FOIA responses.

Has Description Been Modified

Yes

Long Description Modified

All records relating to the illness or death of any manatee at Miami Seaquarium from November 1, 2021, through the date on which this request is processed.

Description Available to the Public

Yes

Short Description

manatee at Miami Seaquarium

Additional Information

Relevant park or refuge or site or other location SFLES

Attached Supporting Files

Attachments Available to the Public?

No

Attached File Name**Size (MB)****File Type**

No supporting files have been uploaded.

Appeals

| Tracking Number | Appeal Date | Appellant | Phase | Notification |
|-----------------|-------------|-----------|-------|--------------|
|-----------------|-------------|-----------|-------|--------------|

No appeals have been created.

Consultations

| Tracking Number | Consulted Agency | Created By | Consultation Date | Due Date | Phase |
|-----------------|------------------|------------|-------------------|----------|-------|
|-----------------|------------------|------------|-------------------|----------|-------|

No consultations have been created.

Correspondence to Requester

| Subject | From | To | Date |
|---|--------|---------------|------------|
| FOIA Request DOI-FWS-2022-001070 Modified | System | Anna Whistler | 12/31/2021 |

The FOIA request - DOI-FWS-2022-001070 description has been modified. Additional details for this item are as follows:

- Tracking Number: DOI-FWS-2022-001070
- Requester: Anna Whistler
- Submitted Date: 12/09/2021
- Description: All records relating to the illness or death of any manatee at Miami Seaquarium from November 1, 2021, through the date on which this request is processed.

| | | | |
|--|--------|---------------|------------|
| FOIA Request DOI-FWS-2022-001070 Submitted | System | Anna Whistler | 12/09/2021 |
|--|--------|---------------|------------|

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: DOI-FWS-2022-001070
- Requester Name: Anna Whistler
- Date Submitted: 12/09/2021
- Request Status: Submitted

- Description: Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the accompanying Department of the Interior (Department) Regulations, 43 C.F.R. §§ 2.1-2.41, and on behalf of PETA, I am requesting any and all records relating to the illness or death of any manatee at Miami Seaquarium from November 1, 2021, through the date on which this request is processed.

If records which are responsive to this request are located in other FWS offices, please forward this request to all appropriate offices.

The term “records” includes, but is not limited to, responses to USFWS requests, internal agency discussions, reports, studies, correspondence, memoranda, permit application materials, meeting notes and minutes, drafts and working papers, notes and summaries of conversations and interviews, e-mails, photographs, videotapes, and any other forms of written or recorded communication. Please note that e-mails are specifically requested, as often these agency records are excluded from the agency’s FOIA responses.

Acknowledgment FOIA DOI-FWS-2022-001070

Cathy Willis

Anna Whistler

12/31/2021

The United States Fish and Wildlife Service (FWS) FOIA office received your Freedom of Information Act (FOIA) request, dated 12/09/2021, and assigned it control number DOI-FWS-2022-001070. Please cite this number in any future communications with our office regarding your request.

Fee Category and Fee

We have classified you as an “other-use” requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. See 43 C.F.R. § 2.39.

You have asked us to waive the fees for processing your request. Our FOIA regulations state that bureaus will waive, or partially waive, fees if disclosure of all or part of the information is:

- (1) In the public interest because it is likely to contribute significantly to public understanding of government operations or activities, and
- (2) Not primarily in your commercial interest.

See 43 C.F.R. § 2.45(a). Our FOIA regulations also provide four specific criteria that are used to determine whether these two requirements are met. See 43 C.F.R. § 2.48(a). Your request meets the requirements, and your fee waiver has been granted.

Multitrack Processing

We use Multitrack Processing to process FOIA requests. The Simple track is for requests that would generally take one to five workdays to process. The Normal track is for requests that would generally take six to twenty workdays to process. The Complex track is for requests that would generally take twenty-one to sixty workdays to process. The Extraordinary track is for requests that would generally take more than sixty workdays to process. The Expedited track is for requests that have been granted expedited processing, which are processed as soon as practicable. Within each track, requests are usually processed on a first-in, first-out basis. Your request falls into the Complex processing track.

Because we will need to search and collect requested records from field facilities and the regional office, we are taking an extension under 43 C.F.R. § 2.19(b). We therefore expect that we will dispatch a determination to you by March 31, 2022. We apologize for this delay in finalizing our decision. You may narrow the scope of your request to obtain quicker processing in your currently assigned track or move the request into a different track (which may have the effect of having it processed more quickly). You also may agree to an alternative time period for processing by communicating with us.

Mediation/Dispute Resolution

If after contacting us as described below, you need further information or assistance with your request, you may wish to seek dispute resolution services from the Department's FOIA Public Liaison, Natasha Alcantara by email at doifoiapublicliaison@sol.doi.gov.

If you need further information or assistance after contacting the Department's FOIA Public Liaison, you may wish to seek dispute resolution services from the Office of Government Information Services (OGIS). The 2007 FOIA amendments created the OGIS to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://www.archives.gov/ogis>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

Appeal Rights

You may appeal the delay to your request to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this communication. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and FWS concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and FWS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office
Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

For additional information please feel free to contact us at fwhq_foia@fws.gov or by phone at 703-358-2239.

Other Correspondence

| Attached File | File Type | Size (MB) |
|-------------------------------------|-----------|-----------|
| No correspondence has been created. | | |

Fee Estimates

| | |
|---------------------------------|-----|
| Current Estimate Total | \$0 |
| Date Estimate Sent to Requester | N/A |
| Estimate Required for Payment | N/A |

Invoices

| Sent | Title | Invoice Date | Amount |
|--------------------------------|-------|--------------|--------|
| No invoices have been created. | | | |

| | |
|---|--------|
| Total Amount Billed Which Has Been Sent To Requester | \$0.00 |
|---|--------|

Payments

| Date | Amount | Type | Total Amount Paid | \$0.00 |
|------------------------------|--------|------|-------------------|--------|
| | | | Total Amount Owed | \$0.00 |
| No payments have been added. | | | | |

Case Responsive Records

Publish Options:

UU - Unredacted - Unreleaseable

RU - Redacted - Unreleasable

**UR - Unredacted - Releaseable to the
General Public**

**RR - Redacted - Releasable to the General
Public**

REQ - Release to Requester Only

| Release Type | Title | User | Date/Time | Exemptions | Release Date |
|--------------|-------|------|-----------|------------|--------------|
|--------------|-------|------|-----------|------------|--------------|

No records have been uploaded.

Restricted Materials

| Attached File Name | Size (MB) | File Type | User | Actual Agency | Date/Time |
|--------------------|-----------|-----------|------|---------------|-----------|
|--------------------|-----------|-----------|------|---------------|-----------|

No restricted materials have been added.

Existing Admin Costs

| Date | User Name | Charge Type | Hours/Quantity | Rate | Billable? | Total |
|------|-----------|-------------|----------------|------|-----------|-------|
|------|-----------|-------------|----------------|------|-----------|-------|

No cost entries have been added.

Fee Category: N/A

Total: \$0.00

Invoice Amount: \$0.00

Assigned Tasks

| Outcome | Task Type | Assigned To | Assigned By | Submitted Date | Due Date | Closed Date | Notification | Justification |
|---------|------------|-------------|---------------|----------------|------------|-------------|--------------|---------------|
| Pending | Fee Waiver | FWS | Anna Whistler | 12/09/2021 | 12/09/2021 | | No | |

Requester
Justification

PETA is a non-profit public interest organization and as such PETA requests that all fees be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) and FWS FOIA regulations, 43 C.F.R. § 2.19 (b) and Pt. 2, Subpt. H, App. D. PETA has no commercial interest in the requested information, and its disclosure will contribute significantly to public understanding of the FWS' administration and enforcement of the ESA. For this reason, the FWS has routinely granted PETA a fee waiver. However, if this request for a waiver or reduction of fees is denied and fees are expected to exceed \$50.00, please notify me to this effect before this request is processed. In addition, to conserve resources and in accordance with Department Regulations, please provide the requested records, to the extent possible, via electronic mail attachment, to annaw@petaf.org. See 43 C.F.R. § 2.9. I look forward to hearing from you within twenty (20) business days. See id. § 2.12(a).

Existing Comments (0)

Date Created

Last Edited On

User Name

No comments have been added.

Assigned Reviewers

| Review Order | Review Outcome | Assigned Reviewer | Review Date |
|----------------------------------|----------------|-------------------|-------------|
| No reviewers have been assigned. | | | |